

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66451 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- PURNEA SADAR District- Purnia

KAUSAR AZAM @ MD. KAUSAR AZAM son of Md. Anisur Rahman @
Md. Ansur Village- Chimni Bajar School Tola Ps- Sadar Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Adv.
	:	Mr.Mritunjay Kumar, Adv.
For the Opposite Party/s	:	Mr.Parmanand Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Sadar P.S. Case No. 18 of 2023 registered for the offences under Section 366, 379 of the Indian Penal Code.

3. As per prosecution case, the informant alleged in written report that the petitioner enticed away his wife and they took away Rs. 5 lakhs cash, gold and silver ornaments from his house.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The wife of the informant took Khula Talaq



from the informant on 12.10.2022 and she is now the wife of the petitioner. Learned senior counsel further submits that the whole prosecution is malicious and instituted with malafide intention. The informant found his wife missing on 27.11.2022 but gave the written report to the police on 06.01.2023 without any explanation. Due to ill treatment by the informant, the wife of the informant took Khula Talaq from him and solemnized marriage with the petitioner. Due to threat from informant and her father, the ex-wife of the informant falsely implicated the petitioner and the statement of the victim lady was recorded under Section 164 of the Cr.P.C. under coercion of these two persons. Once her statement was recorded under Section 164 of the Cr.P.C. she got away from the clutches of the informant and her father and thereafter, she started staying with her husband, the petitioner herein. The victim lady also appeared before the court of learned 1st Additional Sessions Judge, Purnea where she corroborated the fact of Khula Talaq with the informant and marriage with the petitioner. Learned senior counsel further submits that under the circumstances no offence is made out against the petitioner who is having a clean antecedent. The petitioner undertakes to co-operate in the trial of the case as and when required.

5. Learned APP vehemently opposes the submis-



sion made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the strong possibility of false implication in the background of sequence of events, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/court concerned in connection with Sadar P.S. Case No. 18 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:-

(I) One of the bailors will be a close relative of the petitioner.

(II) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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